

ASSEMBLY BILL

No. 977

Introduced by Assembly Member Skinner

February 26, 2009

An act to amend Section 4052 of, and to add Section 4052.8 to, the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 977, as introduced, Skinner. Pharmacists: immunization administration.

Existing law, the Pharmacy Law, provides for the licensing and regulation of pharmacists by the Board of Pharmacy in the Department of Consumer Affairs. A violation of the Pharmacy Law is a crime. Existing law, among other things, authorizes a pharmacist to administer immunizations pursuant to a protocol with a prescriber.

This bill would authorize a pharmacist to initiate and administer immunizations pursuant to a protocol with a prescriber or the recommended Immunization Schedules provided by the federal Centers for Disease Control and Prevention. The bill would require a pharmacist, prior to initiating and administering immunizations, to complete a specified pharmacy-based immunization delivery training program. The bill would also require a pharmacist to complete 3 hours of immunization-related continuing education coursework annually and to be certified in basic life support. The bill would require the pharmacist, at the time of administration of an immunization, to provide the patient with a Vaccine Information Statement and to provide the patient's physician with documentation of administration of the immunization. The bill would also require a pharmacist to maintain a specified immunization administration record, report any adverse event

and administer epinephrine for severe allergic reactions, and assure proper storage and handling of vaccines.

Because this bill would create new requirements under the Pharmacy Law, the violation of which would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4052 of the Business and Professions
- 2 Code is amended to read:
- 3 4052. (a) Notwithstanding any other provision of law, a
- 4 pharmacist may:
- 5 (1) Furnish a reasonable quantity of compounded drug product
- 6 to a prescriber for office use by the prescriber.
- 7 (2) Transmit a valid prescription to another pharmacist.
- 8 (3) Administer, orally or topically, drugs and biologicals
- 9 pursuant to a prescriber's order.
- 10 (4) Perform procedures or functions in a licensed health care
- 11 facility as authorized by Section 4052.1.
- 12 (5) Perform procedures or functions as part of the care provided
- 13 by a health care facility, a licensed home health agency, a licensed
- 14 clinic in which there is a physician oversight, a provider who
- 15 contracts with a licensed health care service plan with regard to
- 16 the care or services provided to the enrollees of that health care
- 17 service plan, or a physician, as authorized by Section 4052.2.
- 18 (6) Manufacture, measure, fit to the patient, or sell and repair
- 19 dangerous devices or furnish instructions to the patient or the
- 20 patient's representative concerning the use of those devices.
- 21 (7) Provide consultation to patients and professional information,
- 22 including clinical or pharmacological information, advice, or
- 23 consultation to other health care professionals.
- 24 (8) Furnish emergency contraception drug therapy as authorized
- 25 by Section 4052.3.

1 (9) ~~Administer~~ *Initiate and administer* immunizations pursuant
2 to a protocol with a prescriber *Section 4052.8*.

3 (b) A pharmacist who is authorized to issue an order to initiate
4 or adjust a controlled substance therapy pursuant to this section
5 shall personally register with the federal Drug Enforcement
6 Administration.

7 (c) Nothing in this section shall affect the requirements of
8 existing law relating to maintaining the confidentiality of medical
9 records.

10 (d) Nothing in this section shall affect the requirements of
11 existing law relating to the licensing of a health care facility.

12 SEC. 2. Section 4052.8 is added to the Business and Professions
13 Code, to read:

14 4052.8. (a) A pharmacist may initiate and administer
15 immunizations pursuant to either of the following:

16 (1) A protocol with a prescriber.

17 (2) The recommended Immunization Schedules for persons
18 aged 7 through 18 years of age and adults provided by the federal
19 Centers for Disease Control and Prevention, as they may be
20 amended from time to time.

21 (b) Prior to initiating and administering immunizations, a
22 pharmacist shall complete the American Pharmacists Association's
23 Pharmacy-Based Immunization Delivery Certificate Training
24 Program or another pharmacy-based immunization training
25 certificate program endorsed by the federal Centers for Disease
26 Control and Prevention or the Accreditation Council for
27 Pharmaceutical Education.

28 (c) (1) A pharmacist initiating and administering any
29 immunization pursuant to this section shall also complete three
30 hours of immunization-related continuing education coursework
31 annually.

32 (2) If a pharmacist fails to satisfy this requirement, he or she
33 shall, in addition to any other applicable disciplinary action, retake
34 the training identified in subdivision (b) and also complete the
35 three hours of immunization-related continuing education
36 coursework described in paragraph (1) prior to initiating and
37 administering any further immunizations.

38 (3) The three hours of immunization-related continuing
39 education may be applied toward the continuing education
40 requirement described in Section 4231.

(d) A pharmacist initiating and administering any immunization pursuant to this section shall at all times be certified in basic life support.

(e) At the time of administration of an immunization, the pharmacist shall do both of the following:

(1) Provide the patient or the patient's agent with the appropriate Vaccine Information Statement, produced by the Centers for Disease Control and Prevention, for each immunization administered.

(2) Provide documentation of administration of the immunization to the patient and the patient's physician or primary care provider, if one can be identified.

(f) The pharmacist shall maintain an immunization administration record, which shall include, but not be limited to, the name of the vaccine, the expiration date, the date of administration, the manufacturer and lot number, the administration site and route, the Vaccine Information Statement date, and the name and title of the person administering, for the longer of the following periods:

(1) Ten years from the date of administration.

(2) If the patient is younger than 18 years of age at the time of administration, three years beyond the patient's 18th birthday.

(g) Any pharmacist initiating and administering vaccines may initiate and administer epinephrine by injection for severe allergic reactions.

(h) Any adverse event shall be reported to the Vaccine Adverse Event Reporting System within the U.S. Department of Health and Human Services.

(i) Upon receipt of a vaccine as authorized by this section, a pharmacist is responsible for assuring that proper vaccine temperatures are maintained during subsequent storage and handling to preserve the potency of the vaccine.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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